UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.105/PV.365
24 July 1991

ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE THREE HUNDRED AND SIXTY-FIFTH MEETING

Held at Graz, Austria,
on Thursday, 6 June 1991, at 4 p.m.

Chairman: Mr. HOHENFELLNER (Austria)

- Report of the Committee to the General Assembly
- Concluding statements
- Closing statement by the Chairman
- Closure of the session

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent, within one week of the date of this document, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

91-60848 5332V (E)

The meeting was called to order at 4 p.m.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY

The CHAIRMAN: The Committee will now proceed to the adoption, section by section, of the Committee's draft report which we considered in informal session.

We turn first to document A/AC.105/L.192. We shall now consider Part I, "Introduction", which comprises paragraphs 1 to 17. May I take it that the Committee adopts Part I?

Part I of the draft report (A/AC.105/L.192) was adopted.

The CHAIRMAN: Next, we turn to Part II of the draft report, "Recommentations and decisions".

Section A, contained in document A/AC.105/L.192/Add.1 and Corr.1, is entitled "Ways and means of maintaining outer space for peaceful purposes". It comprises paragraphs 1 to 8. May I take it that the Committee adopts Section A of Part II?

Part II, Section A, of the draft report (A/AC.105/L.192/Add.1 and Corr.1) was adopted.

The CHAIRMAN: We shall now turn to Section B, entitled "Report of the Scientific and Technical Subcommittee on the work of its twenty-eighth session; implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space". This Section is contained in document A/AC.105/L.192/Add.2 and Corr.1. May I take it that the Committee adopts paragraphs 1 and 2?

Paragraphs 1 and 2 were adopted.

The CHAIRMAN: We turn next to paragraphs 3 to 8 of Section B. May I take it that the Committee adopts those paragraphs?

Paragraphs 3 to 8 were adopted.

The CHAIRMAN: We shall now consider paragraphs 9 to 14. If I hear no objection, I shall take it that the Committee adopts those paragraphs.

Paragrahps 9 to 14 were adopted.

The CHAIRMAN: The Committee will now take up paragraphs 15 to 17. May I take it that the Committee adopts those paragraphs.

Paragraphs 15 to 17 were adopted.

The CHAIRMAN: We now turn to paragraph 18. May I take it that the Committee adopts that paragraph?

Paragraph 18 was adopted.

The CHAIRMAN: Next, we shall consider paragraph 19. May I take it that the Committee adopts that paragraph?

Paragraph 19 was adopted.

The CHAIRMAN: We now turn to paragraphs 20 to 22. May I take it that the Committee wishes to adopt those paragraphs?

Paragraphs 20 to 22 were adopted.

The CHAIRMAN: The Committee will now consider paragraphs 23 to 25. May I take it that the Committee adopts those paragraphs?

Paragraphs 23 to 25 were adopted.

The CHAIRMAN: We shall now take up paragraphs 26 to 32. May I consider that the Committee wishes to adopt those paragraphs?

Paragraphs 26 to 32 were adopted.

The CHAIRMAN: We now turn to paragraphs 33 to 38. May I take it that the Committee adopts those paragraphs?

Paragraphs 33 to 38 were adopted.

The CHAIRMAN: Next, we shall consider paragraphs 39 to 41. If I hear no objection, I shall take it that the Committee wishes to adopt those paragraphs.

Paragraphs 39 to 41 were adopted.

The CHAIRMAN: We turn now to paragraphs 42 to 45. May I take it that the Committee adopts those paragraphs?

Paragraphs 42 to 45 were adopted.

The CHAIRMAN: Next, we turn to paragraphs 46 to 48. May I consider that the Committee wishes to adopt those paragraphs?

Paragraphs 46 to 48 were adopted.

The CHAIRMAN: We shall now take up paragraphs 49 to 54. If I hear no objection, I shall take it that the Committee adopts those paragraphs.

Paragraphs 49 to 54 were adopted.

The CHAIRMAN: We shall now consider paragraphs 55 to 64. If I hear no objection, I shall take it that the Committee adopts those paragraphs.

Paragrahps 55 to 64 were adopted.

The CHAIRMAN: The Committee will now turn to paragraphs 65 to 71. May I take it that the Committee adopts those paragraphs?

Paragraphs 65 to 71 were adopted.

The CHAIRMAN: Next, we shall consider Section C, entitled "Report of the Legal Subcommittee on the work of its thirtieth session". This Section is contained in document A/AC.105/L.192/Add.3 and Corr.1. May I take it that the Committee adopts paragraphs 1 and 2?

Paragraphs 1 and 2 were adopted.

The CHAIRMAN: We shall now consider paragraphs 3 to 14. I call on the Rapporteur, who wishes to make a statement on paragraph 6.

Mr. PERRI (Brazil), Rapporteur of the Committee: I should like to clarify that there will be a paragraph 6 quater that includes a summary of a statement made by the representative of the United States. As there is only one copy of the summary, I shall read it out to the Committee. Paragraph 6 quater would read as follows:

"The view was expressed that consensus on draft principles 8 and 9 had been joined on the understanding that, once agreement had been reached on all of the principles, the Subcommittee would address outstanding issues such as the use of the terms 'should' and 'shall' and would consider whether any adjustments would be necessary to ensure that the principles are properly interrelated and balanced and would have their intended effect.

"The view was also expressed that the changes in principle 9 since the last session of the Legal Subcommittee simply clarify the understanding that the relevant liability and compensation provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Celestial Bodies and the Convention on International Liability for Damage Caused by Space Objects should apply, as provided, to the use of nuclear power sources in outer space".

Mr. HODGKINS (United States of America): I wish to recall that it had been agreed to insert the following statement for the record:

"I have taken the floor at this time to make a few brief comments on the proposal that the Committee record consensus on principles 8 and 9. My delegation understands the frustration expressed by some delegations with the process by which consensus is recorded at the Main Committee on one or two of a set of principles before that consensus has been recorded

(Mr. Hodgkins, United States)

by the Legal Subcommittee. None the less, all of the members of this Committee share the desire to achieve progress in the completion of a full set of principles relevant to the use of nuclear power sources in outer space and, Mr. Chairman, as you have correctly pointed out, this Committee clearly has the authority to record such a consensus.

"It is in that spirit that my delegation expressed the view that it was prepared to join consensus on principles 8 and 9 as they have been developed through informal consultations on the margins of this session under the able leadership of the delegates of Canada and Germany. In joining such consensus, the United States delegation underscores for the record that this consensus is joined with the understanding that, once agreement has been reached on all of the principles, the Subcommittee will address outstanding issues such as the use of the terms 'should' or 'shall'. At the same time, the Subcommittee would also be in a position to consider whether any adjustments are necessary in order to ensure that the principles are properly interrelated and balanced and that they will have their intended effect.

"Finally, my delegation would comment briefly on its understanding of the changes that have been introduced in principles 8 and 9 since their consideration by the last meeting of the Legal Subcommittee. We would note that principle 8 reflects the progress that had been recorded on this principle at the last meeting of the Main Committee, the report of which is contained in document A/45/20, in particular paragraph 104. One small organizational change has been made in that principle: combining two paragraphs into a single paragraph.

(Mr. Hodgkins, United States)

"The major changes to principle 9 occur in paragraph 1 of that principle. In the view of my delegation, these changes are simply clarifications that do not change the substance of this principle as it was presented and considered by the Legal Subcommittee at its last session. These modifications simply clarify the understanding that the relevant liability and compensation provisions of the 1967 Outer Space Treaty and the 1972 Liability Convention should apply as provided to the use of nuclear power sources in outer space.

"Paragraph 2 of principle 9 remains identical to the comparable provision presented to and considered at the last meeting of the Subcommittee. Paragraph 3 was revised slightly without affecting the essential substance of that provision as it relates to the use of nuclear power sources in outer space."

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): I requested to make a statement just to reconfirm for the record our understanding that the item on nuclear power sources on the agenda of the next session of the Legal Subcommittee would be entitled, "The elaboration of draft principles relevant to the use of nuclear power sources in outer space, with the aim of finalizing the draft set of principles".

Mr. ABDEL MONEIN (Egypt) (interpretation from Arabic): I wish to recall that it had been agreed to insert the following sentence into this Section of the draft report:

"The view was expressed that the existing consensus on these two principles does not preclude their consideration by delegations during the next session of the Legal Subcommittee."

Mr. PERRI (Brazil), Rapporteur of the Committee: I confirm that the sentence to which the representative of Egypt refers has been included in the draft report as approved in our informal meeting.

The CHAIRMAN: May I take it that the Committee is now prepared to adopt paragraphs 3 to 14 of Part II, Section C of the draft report?

Paragraphs 3 to 14 were adopted.

The CHAIRMAN: We turn now to paragraphs 15 to 24. May I take it that the Committee wishes to adopt those paragraphs?

Paragraphs 15 to 24 were adopted.

The CHAIRMAN: Next, we shall consider paragraphs 25 to 33. Does the Committee wish to adopt those paragraphs?

Paragraphs 25 to 33 were adopted.

The CHAIRMAN: We turn now to Sections D, E, F, G and H, contained in document A/AC.105/L.192/Add.4.

Section D is entitled "Spin-off benefits of space technology: review of current status". May I take it that the Committee wishes to adopt paragraphs 1 to 9?

Paragraphs 1 to 9 were adopted.

The CHAIRMAN: We shall now consider Section E, entitled "Other matters". Does the Committee wish to adopt paragraphs 10 and 11?

Paragraphs 10 and 11 were adopted.

The CHAIRMAN: Next, we shall consider Section F, entitled "Future work". May I take it that the Committee wishes to adopt paragraphs 12 to 19?

Paragraphs 12 to 19 were adopted.

The CHAIRMAN: We come now to Section G, entitled "Schedule of work of the Committee and its subsidiary bodies". May I consider that the Committee wishes to adopt paragraphs 20 to 22?

Paragraphs 20 to 22 were adopted.

The CHAIRMAN: Finally, we come to Section H, entitled "Tributes". May I take it that the Committee adopts paragraphs 23 and 24?

Paragraphs 23 and 24 were adopted.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): With reference to section H, may I respectfully request you, Mr. Chairman, to write personal letters conveying the contents of paragraph 23 to the authorities mentioned therein and of paragraph 24 to Mr. Peter Jankowitsch.

The CHAIRMAN: The representative of the Soviet Union will be pleased to learn that I have already written such letters, which include the texts of the Committee's decisions.

We have thus come to the end of the draft report. May I take it, then, that the Committee adopts the draft report, as a whole?

The draft report, as a whole, was adopted.

CONCLUDING STATEMENTS

Ms. DAPUL (Philippines): On behalf of the Asian States members of the Committee on the Peaceful Uses of Outer Space I should like to express our satisfaction at the exemplary manner in which you, Sir, have conducted the deliberations of the Committee.

(Ms. Dapul, Philippines)

We extend special thanks and gratitude for all the efforts of the whole Secretariat in servicing this session - including the conference officers, technical support staff and, especially the translators, who we understand have laboured overnight to make the successful conclusion of this session possible today.

We cannot forget to express our sincere appreciation to the people and the authorities of Graz and Styria and to the Government of Austria for their warm hospitality and the excellent arrangements they provided. We will surely carry home beautiful memories of the thirty-fourth session of the Committee.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): Today the Committee bids farewell to the City of Graz; these occasions are always touching in their sadness. Naturally, our first words must be words of gratitude to the Government of Austria and the Styrian authorities for the attention they devoted to the Committee and the care they took of us. I wish in particular to thank Ms. Friessnigg of the Austrian delegation, who was responsible for organizing these meetings. I sincerely want her to know that her labours were not in vain: everything went without a hitch.

I think we shall all remember yesterday's reception given by the Governor of Styria, even though he himself could not attend. That reception and everything connected with it was suffused with a romantic mist that will remain in our minds for a long time to come.

I must also stress the important fact that in Graz the Committee not only admired the beautiful landscape and enjoyed the local wine and cuisine, but also worked very well here. The first week was exemplary in terms of our use of time: we lost no more than two hours as I recall, which has not often been the case in the Committee's history.

(Mr. Maiorski, USSR)

Moreover, the Committee was able to adopt the legal texts of draft principles; nor does this often happen at Committee sessions. In fact I am tempted to dub those draft principles the "Gracious Graz principles". The point is that it was in the City of Graz that that became possible.

Nor can I ignore the final fact that we worked very closely in Graz. We spent far more time side by side together than usual, which gave us a chance to get to know and understand one another better. Our lives were enriched and made more interesting.

In short, Mr. Chairman, I congratulate you on a successful session. I express the modest hope that in a few years we will be able to hold another session in Graz. I hope, too, that the Graz authorities have been infected by the space bug and that the Styrian Government, at the highest levels, will maintain its interest in space matters.

We leave the City of Graz with very warm feelings and the hope that we shall be returning again.

Mr. FUJITA (Brazil): On behalf of the member and observer States from the Latin American and Caribbean Group, I too wish to thank you, Mr. Chairman, for the efficient way in which you have conducted our work during the present session. I think this has been a very productive session; important results were achieved. Great credit for these results lies with the skillful, businesslike, efficient way in which you conducted our work.

I should like also to extend our thanks for the cooperation of delegations from other regions and for the constructive, flexible way in which they approached the many important items we discussed. We thank also the Committee officers, the Secretariat, interpreters, translators and conference officers, without whose support our task would have been much more difficult.

(Mr. Fujita, Brazil)

Finally, I should like also to thank the Austrian authorities and the authorities and the people of Styria and Graz for the excellent, hospitable way in which they received the Committee. In fact, coming from a country that attaches great importance to the environment, I think the environment of Graz was very conducive to the kind of understanding we experienced. This has been a fortunate event that will remain in our memories for a long time to come; as Ambassador Maiorski said, Graz will have a special place in our memory. In my delegation's opinion, it was the "spirit of Graz" that prevailed in our work.

Mr. BOYER (France) (interpretation from French): In place of the representative of Italy, I am speaking on behalf of the Group of Western European and Other States. I wish warmly and sincerely to express our gratitude for our reception here in Graz.

Austria holds a special place in the minds of people. As an old diplomat it shames me to have to admit that this is my first visit to Austria. But I went to school and to university, and I have kept my eyes open, which enabled me to form an opinion about this country based on all I have read. My image of Austria was one of lightness, culture, seriousness, graciousness. And miracle of miracles, my preconceptions meshed totally with the reality. This was a special moment for me, a moment when I saw that my beliefs truly reflected reality.

On behalf of the Group, Sir, I address to you our most particular thanks. Under your smiling, ever-present, always solicitous guidance, the work of the Committee proceeded at a most satisfactory pace. We were even more efficient than usual. We achieved tangible results, and we depart Graz richer by the promise of things to come.

(Mr. Boyer, France)

Of course, this copious work was encouraged by the atmosphere here: the cordiality, good nature and hospitality of the regional and local authorities - the Governor and the Mayor. The Austrian authorities did everything possible to facilitate our work. My Group would be grateful, Mr. Chairman, if you would convey our heartfelt thanks to those authorities.

We know that meetings away from headquarters in Europe or New York involve a greater than normal work-load for the Secretariat. I therefore cannot fail to convey my Group's thanks to the Secretariat.

We have had happy hours of fellowship and hard work, and I repeat that this has been a most felicitous session.

Mr. SADEK (Egypt) (interpretation from Arabic): The Groups of Arab and African States members of the Committee on the Peaceful Uses of Outer Space wish to thank you, Sir, for having guided the work of the Committee with remarkable success. This is a sign that under your chairmanship our annals will swell with achievements.

We thank the Secretariat for its performance, which was excellent especially considering that the session was held away from Headquarters. Yet we think that among the reasons for the session's success were the very site of the meeting - the beautiful City of Graz - and the very kind hospitality of our hosts, the people of Austria.

We thank the translators and, in particular, the interpreters, who we believe carried out their functions in the best possible manner.

CLOSING STATEMENT BY THE CHAIRMAN

The CHAIRMAN: I wish to take a brief moment before closing the thirty-fourth session of the Committee to thank all my dear colleagues. If we really can speak of a "spirit of Graz" we should be encouraged to work very

(The Chairman)

actively in the future on all outstanding subjects. As we all know, we have quite a lot on the agenda of the Committee and its Subcommittees.

I want to assure members in that context that I personally believe that the spirit of a relatively small city - which is extremely open-minded with regard to all regions of the world and which is extremely exposed geographically in terms of our borders - should inspire us all in the future to take into account that we need to complete some of our items that may be overdue for completion or ripe for discussion. I personally would like to say to members in that context that as Chairman I am absolutely at their disposal and will certainly do my utmost to help them in coming to possible consensus solutions to open questions.

I am not naive; I know very well that we still have very difficult subjects to deal with not only in the main Committee but, specifically, in our sub-bodies. As I did yesterday, I assure members that I shall deal with those matters in a spirit of absolute democracy. I believe in this principle; it was not easy for my country to make one of our main achievements: democracy after a very dark period of our history. We have had a chance to work since then, and members have had a chance to see a little of what can be achieved on the regional level as well.

That should encourage us for the future to continue. Whether in Geneva or in New York we have sufficient opportunity to prove that we can maintain a little of the spirit that brought us together here - perhaps, as was pointed out in some of the closing statements, because we were very close to each other. Even if we are outside Graz, if we are back in New York or Geneva meeting in our sub-bodies and in the main Committee, let us not forget this.

(The Chairman)

I take this very seriously, and recalling what my predecessor said in his final statement before resigning from this important post I think we should take it as an inspiration.

I address my deepest gratitude first of all to the members of the Bureau. I thank the Vice-Chairman of the Committee who had to return to Bucharest because of an important task there. I thank especially the Committee Secretary and Chief of the Outer Space Affairs Division, Mr. Jasentuliyana, Mr. Lala, Deputy Secretary of the Committee, and my very dear friend Mr. Flavio Perri, Rapporteur of the Committee, who have carried out an enormous task: I know very well how difficult it is to coordinate our work.

My thanks, of course, go also to Dr. Abiodun. For years he has tried to reconcile the factors mentioned by the representative of France: imagination and reality. That is not very easy because as we all know he does not have great financial means at his disposal. But that underlines the degree of creativity and courage he displays in his important work.

We all know how important all the people seated behind me on the podium are. I thank them all very cordially. Then there are those who were farthest from our work in terms of their working places and who had to overcome extreme difficulties: the interpreters and the translators. I wish to tender a specific expression of gratitude to them; there were moments when I really thought them heroes. They are heroes in other bodies as well; as Austria is now a non-permanent member of the Security Council I have seen just how difficult their work can be. My thanks further go to the press officers and the technical staff, who worked so ably during our session.

(The Chairman)

This brings our session to an end. I thank all members for their cooperation. We have done a lot but, encouraged by our achievements at this session, I hope we shall rise to further and even more substantive results in the future.

CLOSURE OF THE SESSION

The CHAIRMAN: I declare closed the thirty-fourth session of the Committee on the Peaceful Uses of Outer Space.

The meeting rose at 4.35 p.m.